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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,612	07/12/2001	Theodore J. Bowers	47004.000097	1294

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EXAMINER

JACKSON, JENISE E

ART UNIT	PAPER NUMBER
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2131

DATE MAILED: 04/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/902,612

Applicant(s)

BOWERS ET AL.

Examiner

Jenise E. Jackson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>04122005</u> | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-54 are rejected under 35 U.S.C. 102(b) as being anticipated by

Messer(5,991,740).

3. As per claim 1, Messer discloses a method of providing discriminated partner system resources(i.e. banner that when user selects link transmits to merchant) to a user of a host system(i.e. site owner) during a single login session(see col. 4, lines 37-55) including: receiving a request to access partner system resources through said host system(see col. 4, lines 47-55); receiving host system data(see col. 5, lines 18-20); identifying said host system(see col. 5, lines 18-21); receiving user data; identifying said user based at least in part on said user data(see col. 5, lines 27-29); and identifying discriminated partner system resources associated with said host system and with said user(see col. 4, lines 47-55, col. 5, lines 18-27).

4. As per claims 2, 29, Messer discloses wherein receiving host system data includes receiving host system data from said host system(see col. 4, lines 37-55).

5. As per claim 3, 30, Messer wherein identifying said host system comprises identifying said host system based at least in part on said host system data(see col. 4, lines 47-65).

6. As per claims 4, 31, Messer discloses wherein receiving user data includes receiving user data from said host system(see col. 3, lines 54-65).

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7. As per claims 5, 32, Messer discloses authenticating said request to access partner system resources(see col. 8, lines 53-67).

8. As per claims 6, 33, Messer discloses transmitting said discriminated partner system resources to at least one of said host system and said user(see col. 4, lines 47-55, col. 5, lines 18-25).

9. As per claims 7, 34, Messer discloses wherein said partner system resources and host resources are accessible through a web browser(see col. 4, lines 37-41).

10. As per claims 8, 35, Messer discloses wherein said user data includes a user name and a user password(see col. 5, lines 26-28, col. 6, lines 33-54) .

11. As per claims 9, 36, Messer discloses wherein said user data comprises authentication data provided by a single sign on authentication system(see col. 5, lines 18-27, col. 8, lines 52-67).

12. As per claims 10, 37, Messer discloses wherein said step of identifying discriminated partner system resources associated with said host system and with said user(see col. 4, lines 47-55, col. 5, lines 18-27), further includes: identifying said user's credit card account number; and selecting a discriminated web page identified with said host system from a plurality of discriminated web pages(see col. 4, lines 60-65).

13. As per claims 11, 38, Messer discloses wherein said step of identifying discriminated partner system resources associated with said host system and with said user(see col. 4, lines 47-55, col. 5, lines 18-27), further includes identifying said user's credit card account number; and creating discriminated partner system resources identified with said host system(see col. 4, lines 60-65).

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14. As per claims 12, 39, Messer wherein said step of creating discriminated partner system resources(see col. 4, lines 37-55), identifying graphical information used by said host system(see col. 5, lines 17-32); replicating said graphical information(see col. 5, lines 17-32); classifying said host system; identifying non-conflicting additional partner system resources that do not conflict with said host system's classification; and incorporating said replicated graphical information and said non-conflicting additional partner system resources into a standard partner system resource to create a discriminated partner system resource(see col. 6, lines 48-65, col. 8, lines 52-67) .

15. As per claims 13, 40, Messer discloses the method of providing discriminated partner system resources to a user of a host system during a single login session(see col. 4, lines 37-55) includes the steps of: receiving user data; presenting an option to access a partner system to said user; receiving a request to access said partner system from said user (see col. 5, lines 27-29); receiving partner system resources from said partner system(see col. 5, lines 27-29); determining whether said partner system resources are discriminated; and modifying said partner system resources to be discriminated partner system resources if it is determined that said partner system resources are not discriminated(see col. 4, lines 47-55, col. 5, lines 18-27).

16. As per claims 14, 41, Messer discloses wherein receiving user data comprises receiving user data from said user(see col. 5, lines 17-28).

17. As per claims 15, 42, Messer discloses authenticating said user to use said host system based at least in part on said user data(see col. 5, lines 17-28, col. 7, lines 63-67).

18. As per claims 16, 43, Messer discloses sending identification data to said partner system to uniquely identify said host system(see col. 8, lines 53-67).

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19. As per claims 17, 44, Messer discloses sending at least part of said user data to said partner system(see col. 5, lines 17-27).

20. As per claims 18, 45, Messer discloses transmitting said discriminated partner system resources to said user(see col. 4, lines 47-55, col. 5, lines 18-25).

21. As per claims 19, 46, Messer discloses wherein said partner system resources and host resources are accessible through a web browser(see col. 4, lines 37-41).

22. As per claims 20, 47, Messer discloses wherein said user data comprises a user name and a user password(see col. 5, lines 26-28, col. 6, lines 33-54).

23. As per claims 21, 48, Messer discloses wherein said user data includes authentication data provided by a single sign on authentication system(see col. 8, lines 52-67).

24. As per claims 22, 49, Messer discloses wherein said user data is stored on a portable storage device(see col. 9, lines 1-11).

25. As per claims 23, 50, Messer discloses wherein said step of presenting an option to access said partner system to said user comprises displaying an Internet hyperlink to said user(see col. 4, lines 47-55).

26. As per claims 24, 51, Messer discloses wherein said step of modifying said partner system resources to be discriminated partner system resources further includes incorporating said host system's discriminatory features into said partner system resources(see col. 4, lines 37-55, col. 5, lines 18-27).

27. As per claims 25, 52, Messer discloses wherein said step of incorporating said host system's discriminatory features into said undiscriminated partner system resources includes

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selectively removing information from the undiscriminated partner system resources(see col. 9, lines 12-36).

28. As per claims 26, 53, Messer discloses wherein said step of incorporating said host system's discriminatory features into said undiscriminated partner system resources comprises selectively adding information to the undiscriminated partner system resources(see col. 6, lines 45-65).

29. As per claims 27, 54, Messer discloses wherein said step of incorporating said host system's discriminatory features into said undiscriminated partner system resources comprises selectively modifying the undiscriminated partner system resources(see col. 6, lines 45-65, col. 7, lines 1-18).

30. As per claim 28, Messer discloses a system for providing discriminated partner system resources to a user of a host's system resources during a single login session comprising a partner system for providing partner system(see col. 4, lines 37-55), resources through a computer network, wherein said partner system includes a set of instructions for receiving a request to access partner system resources through said host system(see col. 5, lines 18-21); a set of instructions for receiving host system data; a set of instructions for identifying a host system; a set of instructions for receiving user data(see col. 4, lines 47-55); a set of instructions for identifying said user based at least in part on said user data; and a set of instructions for identifying discriminated partner system resources associated with said host system and with said user(see col. 4, lines 47-55, col. 5, lines 18-27).

Response to Amendment

31. The Applicant states that Messer does not disclose the host system to identify resources that are associated with the user, and the Applicant also states that Messer does not disclose identifies discriminated partner system resources that are associated with both the host system and with the user. The Examiner disagrees with the Applicant. Messer discloses an identifier that includes select coded data and may take the form of a cookie that is inserted onto the user's hard disk memory during access to the promotional link(see col. 3, lines 58-61). Further, Messer discloses that the use of select tagging of information to permit tracking of visitors and for tracking and recording specific transactions (see col. 3, lines 54-57). Messer also, discloses tracking transactions between a merchant and customer that are linked together via a select promotional link on the web(see col. 3, lines 8-11).

32. The Applicant states that Messer does not disclose determining whether the partner system resources are discriminated, and if not, modifying the partner system resources to be discriminated. The Examiner disagrees with the Applicant. Messer discloses users that access the banner ads are transferred to Merchant's web page, via the embedded link and may be presented with the ability to make a purchase directly from the Merchant(see col. 4, lines 52-55). Messer discloses that the invention modifies the process and allows a portion of the sale made by the Merchant as a credit to the Site Owner(see col. 4, lines 55-57).

33. The Applicant states that Messer does not disclose user data including authentication data provided by a single sign on authentication system. The Examiner disagrees with the Applicant. Messer discloses that the user will access the network, via the modem connection, and use the browser to access certain banner links(see col. 5, lines 34-47, col. 8, lines 44-67).

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34. The Applicant states that Messer does not disclose identifies the user's credit card account number and selects a discriminated web page identified with the host system from a plurality of discriminated web pages. The Examiner disagrees with the Applicant. Messer discloses the use of secured transactions, via a credit card to order the goods(see col. 4, lines 62-63-65). Messer discloses that the users that access the banner are transferred to the Merchant's web page via the embedded link, and may be presented with the ability to make a purchase directly from the Merchant(see col. 4, lines 52-55).

Final Action

35. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jenise E. Jackson whose telephone number is (571) 272-3791.


The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on (571) 272-3795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



April 15, 2005


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100